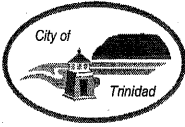


Posted: Friday, February 14, 2014

NOTICE AND CALL OF A SPECIAL MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a Special Meeting on
WEDNESDAY, FEBRUARY 19, 2014 at 4:00 PM
in the Town Hall at 409 Trinity Street

-
- I. **CALL TO ORDER**
 - II. **PLEDGE OF ALLEGIANCE**
 - III. **ITEMS FROM THE FLOOR**
(Three (3) minute limit per Speaker unless Council approves request for extended time.)
 - IV. **CONSENT AGENDA – No consent items.**
 - V. **DISCUSSION/ACTION AGENDA ITEMS**
 - 1. Discussion/Decision Regarding Draft Vacation Dwelling Unit Ordinance.
 - VI. **ADJOURNMENT**



AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 24 PAGES

1. Discussion/Decision Regarding Draft Vacation Dwelling Unit Ordinance.

DISCUSSION/ACTION AGENDA ITEM

February 19, 2014

Item: Vacation Dwelling Unit Ordinance

The City Council originally adopted the Vacation Dwelling Unit (VDU) Ordinance in 2011 and submitted it for certification to the Coastal Commission. Since that original ordinance adoption, City staff and Coastal Commission staff have had several discussions and negotiations, and the original ordinance was even repealed and replaced at one time to clear up a few procedural requirements. As a result of these negotiations, many minor and major modifications have been made and there is finally tentative agreement on the ordinance specifics. Because of the number and extent of the changes, City staff wanted to bring this back to the City Council for review and concurrence prior to Coastal Commission action.

So many changes were made to the original ordinance that using the 'track changes' tool in Word had made the document very difficult to read. In addition, the overall organization had become rather confused. For these reasons, we are presenting you with a final, clean version along with this summary of the changes that have been made. In addition, based on requests at the last meeting (Feb. 12), we have also included Ordinance 2012-01 that was submitted to the Coastal Commission. We have also included the most current and comprehensive draft with the 'track changes' and comments. Note though that this is a middle draft, and does not represent the final version being presented for your concurrence. Finally, there are other versions on file that can be reviewed, including a 'color-coded, track-changes' version that breaks down the types of / reasons for modifications; but it was earlier and less complete than the version provided here.

Many of the changes are minor and do not change the substance of the ordinance; these include things like section numbering and language clarifications to make the rules more clear and enforcement easier, such as changing the phrase "may not" to "shall not." For the purposes of this summary, the focus is on the substantive changes.

- Several of the changes are geared toward protecting environmentally sensitive habitat areas (ESHAs) such as riparian corridors and bluff tops. Language was added to the definition of "Good Neighbor Brochure" to include ESHAs. A new paragraph was also added to the VDU application requirements compelling the City to provide information regarding protection of ESHAs to applicants. Coastal Commission staff have agreed to help the City prepare this information in order to limit the burden to City staff, and have already prepared a couple of nice examples.
- A lot of the discussions centered around the septic requirements. References to the City's OWTS Management Program had to be removed so that the OWTS ordinance would not have to be certified. The language is now more general, requiring compliance with all State and local laws. In addition, new requirements limiting water use were added as specific protections for septic systems. The reasoning behind this requirement is that septic systems are sized based on the estimated water use in a home. Vacation rentals are allowed to have more occupants at a time than the OWTS may be sized for, but VDUs are also left vacant for

periods of time. An analysis of actual water use in the City found that on an average annual basis, VDUs do not use more water than similar sized residences; VDUs use somewhat more water during the summer, but less water in the winter. The new requirement is that annual water use can not exceed that expected for the number of bedrooms the OWTS was designed for. Water use can easily be monitored through the City's water records. The ordinance also requires corrective actions should water use exceed what is appropriate.

- A few changes for clarification were also added to the parking requirements, requiring a space for every 2 occupants allowed rather than per bedroom. Another reference to the City's OWTS Management Program was also removed. In addition, an amendment to existing Zoning Ordinance §17.56.180 on Parking (§6.18 as certified) was included to add the required parking for VDUs.
- A few changes were also made to language regarding signs to clarify that they need to be legible from the street and comply with the Zoning Ordinance's sign requirements. In addition, an amendment to the existing sign regulations, §17.56.160 of the Zoning Ordinance (§6.16 as certified), was made to include provisions for VDU signs such that they don't require Design Review as long as they meet certain standards.

The recommended action is to consider concurrence with the proposed changes, after which Coastal Commission staff will present to the Coastal Commission hopefully at their May 2014 meeting and advise that all are in agreement with the proposed amendments. The Coastal Commission action would then be to reject the City's original ordinance, but certify a new ordinance as amended. Then it would come back to the Council for official adoption, first and second reading.

Recommended Action:

Concur with the proposed changes in the Vacation Dwelling Unit regulations.

CITY APPROVED ORDINANCE 2012-01

TRINIDAD CITY HALL
P.O. BOX 390

409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

KATHY BHARDWAJ, MAYOR
GABRIEL ADAMS, CITY CLERK



ORDINANCE 2012-01

AN ORDINANCE OF THE CITY OF TRINIDAD **ADDING CHAPTER 17.53 TO TITLE 17 OF THE TRINIDAD MUNICIPAL CODE (ADDING ARTICLE 5.3** **TO THE COASTAL COMMISSION CERTIFIED ZONING ORDINANCE),** **AND AMENDING SECTIONS 3.20.030 AND 5.04.220 OF THE TRINIDAD MUNICIPAL CODE**

The City Council of the City of Trinidad does hereby ordain as follows:

ORDINANCE 2012-01, SECTION 1:

There is hereby added to the Trinidad Municipal Code a new Chapter, Chapter 17.53, (and hereby added to the Coastal Commission certified Zoning Ordinance a new Article 5.3), "City of Trinidad Vacation Dwelling Unit Ordinance," which shall read as follows:

Chapter 17.53 (Article 5.3)

REGULATIONS FOR VACATION DWELLING UNITS

Sections:

17.53.010 (5.3.01)	Short Title
17.53.020 (5.3.02)	Definitions
17.53.030 (5.3.03)	Purpose
17.53.040 (5.3.04)	Requirements
17.53.050 (5.3.05)	Appearance and Visibility
17.53.060 (5.3.06)	Effect on Existing Vacation Dwelling Units
17.53.070 (5.3.07)	Location
17.53.080 (5.3.08)	Noise
17.53.090 (5.3.09)	Non-Permitted Uses
17.53.100 (5.3.10)	Number of Occupants
17.53.110 (5.3.11)	Visitors
17.53.120 (5.3.12)	Tenancy
17.53.130 (5.3.13)	Traffic
17.53.140 (5.3.14)	Tourist Occupancy Tax
17.53.150 (5.3.15)	Audit
17.53.160 (5.3.16)	Dispute Resolution
17.53.170 (5.3.17)	Violations—Penalty
17.53.180 (5.3.18)	Violations—Revocation
17.53.190 (5.3.19)	Ordinance Review

17.53.010 (5.3.01) Short Title.

This chapter (article) shall be known and may be cited as "City of Trinidad Vacation Dwelling Unit Ordinance."

17.53.020 (5.3.02) Definitions.

Good Neighbor Brochure.

"Good Neighbor Brochure" means a document prepared by the City and approved by the City Manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular provisions for parking and minimizing noise and quiet hours shall be included.

Event.

"Event" means any use of a structure or land for a limited period of time. "Event" includes but is not limited to art shows, religious revivals, tent camps, concerts, fundraisers, and weddings or receptions. "Event" does not include small parties and social gatherings of 20 people or less consistent with normal residential use.

Occupant.

"Occupant" within this Chapter is synonymous with the definition of "Tourist" in Trinidad Municipal Code section 3.20.020G. As used in this Chapter, "occupant" does not include children aged 5 or under.

Transient Use.

"Transient use" means any contractual use of a structure or portion thereof for residential, dwelling or sleeping purposes, for any period of time which is less than 30 consecutive days.

Vacation Dwelling Unit.

"Vacation Dwelling Unit" (VDU) means any structure, accessory structure, or portion of such structures, which is contracted for transient use.

As used in this chapter, the definition of "Vacation Dwelling Unit" falls within the definition of "Lodging House" found in Trinidad Municipal Code section 3.20.020A but does not include "inn" or "motel" within Section 3.20.020A.

Visitor.

"Visitor" means someone staying temporarily at a VDU, but that is not an "occupant" and not staying at the VDU overnight.

17.53.030 (5.3.03) Purpose.

The purpose of this Chapter is to ensure that Vacation Dwelling Units are compatible with surrounding residential and other uses and will not act to harm or alter the neighborhoods within which they are located.

17.53.040 (5.3.04) Requirements.

A. Business License Application.

Each VDU must procure a Business License. Existing VDUs must obtain a Business License within 3 months of the adoption of this ordinance. The business license shall identify the existence of a VDU at a particular address and declares the number of bedrooms in the VDU.

A site plan and floor plan must be submitted along with the Business License application so the City can verify the number of bedrooms and parking spaces. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that addresses the requirements of this Chapter shall also be provided.

Each application for a Business License shall be accompanied with proof of a general liability insurance in the amount of one million dollars combined single limit and an executed agreement to indemnify, defend and save the city harmless from any and all claims and liability of any kind whatsoever resulting from or arising out of the registration of a VDU.

A Business License Fee of \$100.00 will be charged for the first year of each VDU's operation. Annual renewals for subsequent years shall be at the same cost as a renewal for any other Business License in the City.

The City will notify all property owners within 100 feet of the VDU property of the VDU's Business License within 7 days of its issuance or re-issuance. This notice may be combined with the required 24-hour emergency contact phone number notice required in subsection B below.

B. Contact Information.

1. Local Contact Person.

Each VDU must designate a local contact person on the Business License form. That person may be either the owner or the property manager, and that person must live within 25 miles of Trinidad so that he/she can respond personally to an emergency.

2. 24-Hour Emergency Contact Phone Number.

A 24-hour emergency contact phone number is required for each VDU. The 24-hour emergency contact phone number shall be prominently placed for the occupants' use inside the VDU. Any change to the emergency contact number shall be promptly provided to the Trinidad City Clerk and posted within the VDU.

The emergency contact phone number will be forwarded by the City Clerk to the Trinidad Police Department, the County Sheriff's Office, the Trinidad Volunteer Fire Department, and to each neighbor within 100 feet of the VDU within 7 days after the issuance or reissuance of a business license for the VDU.

If there is an emergency or complaint, and the emergency contact person does not respond within a reasonable period of time, concerned persons will be encouraged to report the emergency through the 911 emergency calling system or the Police or Sheriff's Department. It is unlawful to make a false report or complaint regarding activities associated with a VDU.

C. Parking.

A VDU must provide at least one on-site parking space per bedroom in the VDU. The parking space/s shall be entirely on the VDU property. VDU occupants may not use public right-of-way (street) spaces to meet their parking needs. Parking spaces will not be located on the septic system unless it is designed and rated for traffic in accordance with the OWTS Regulations.

D. Septic System.

Each VDU's owner or property manager must provide proof that the septic system for the structure in which the VDU is located is functioning properly and in conformance with the City's OWTS Management Program. Information on the appropriate use of a septic system, in a form approved by the City, shall be posted in each bathroom in the VDU and the kitchen.

E. Signs.

A single sign no greater than 3 square feet in size shall be attached to the VDU structure or placed immediately adjacent to the front of the VDU structure. The purpose of the sign is to notify the public that the structure is or contains a VDU. The sign must provide a 24-hour emergency telephone contact number for complaints, and a business telephone number for persons seeking information on the VDU.

F. Trash.

Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and / or debris on the site or within the unit.

G. Emergency Preparedness.

Information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the City, shall be posted within the vacation rental in an easily seen location, such as the entry or kitchen area. In particular, information regarding regular testing of the tsunami siren and real emergencies shall be included.

H. Good Neighbor Brochure.

Prior to occupancy pursuant to each separate occasion of rental of a VDU, the owner or the owner's agent shall provide a copy of the Good Neighbor Brochure to the occupants and / or shall post the Good Neighbor Brochure in a clearly visible location within the VDU.

17.53.050 (5.3.05) Appearance and Visibility.

The outside appearance of the VDU structure shall not change the residential character of the structure by the use of colors, materials, lighting, or signage (except as required by this Chapter). The VDU shall not create any noise, glare, flashing lights, vibrations, or odors which are not commonly experienced in residential areas.

17.53.060 (5.3.06) Effect on Existing Vacation Dwelling Units.

Each individual holding a valid Trinidad Business License for a VDU existing at the time the VDU Ordinance is adopted shall be subject to the requirements of this Chapter of the Municipal Code upon its adoption. The owner of an existing VDU which does not meet the requirements of this Chapter will not be issued a Business License and may not use the VDU structure for VDU purposes.

17.53.070 (5.3.07) Location.

VDU's are permitted in any zone district in the City that allows for single or multiple family dwelling units. A VDU may be allowed in a legally-established Accessory Dwelling Unit. Each separate VDU must obtain its own, individual Business License.

17.53.080 (5.3.08) Noise.

Occupants of VDU properties and visitors shall not generate noise in excess of what might be expected in a residential neighborhood. Any noise occurring after 10:00 pm and before 8:00 am should be contained within the VDU and shall not be able to be heard by or offend any adjacent neighbors.

17.53.090 (5.3.09) Non-Permitted Uses.

There shall be no permitted use of the VDU structure other than occupancy for dwelling or sleeping purposes, as defined in Section 3.20.020A of the Trinidad Municipal Code. Use for events which are not hosted by the VDU's property owner are not permitted.

17.53.100 (5.3.10) Number of Occupants.

The maximum number of occupants allowed in a VDU shall not exceed two persons per bedroom plus an additional two persons (e.g., a two-bedroom VDU may have six occupants). Except that in the Suburban Residential Zone, if the VDU has a total floor area that exceeds 800 square feet per bedroom, then for each additional 500 square feet of floor area above this total, one additional occupant may be allowed, up to a maximum of two additional occupants.

17.53.110 (5.3.11) Visitors.

The number of visitors to a VDU shall be limited to not more than 20 persons per parcel at any time. If there is more than one VDU on a property, the 20 person maximum applies to the property, not each VDU. Visitors are not allowed on the premises between 1:00 a.m. and 4:00 a.m.

17.53.120 (5.3.12) Tenancy.

The rental of a VDU shall not be for less than two successive nights.

17.53.130 (5.3.13) Traffic.

Vehicles used and traffic generated by the VDU shall not exceed the type of vehicles or traffic volume normally generated by a residence occupied by a full-time resident in a residential neighborhood.

17.53.140 (5.3.14) Tourist Occupancy Tax.

The rental or other contractual use of a VDU is subject to a Tourist Occupancy Tax ("TOT") and any other mandated taxes. Each VDU owner and/or manager shall meet all of the requirements of Trinidad Municipal Code Chapter 3.20, "Tourist Occupancy Tax," which addresses the registration of TOT collectors, and the collection, recordkeeping, reporting and remittances of applicable TOT.

17.53.150 (5.3.15) Audit

Each owner and agent or representative of any owner shall provide access to each VDU and any records related to the use and occupancy of the VDU to the City Manager at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this Chapter are being fulfilled.

17.53.160 (5.3.16) Dispute Resolution.

By accepting a VDU Business License, VDU owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a VDU.

17.53.170 (5.3.17) Violations–Penalty.

Violations of this Chapter are punishable as either infractions or misdemeanors, pursuant to the provisions of Section 1.08 of the Trinidad Municipal Code. Each separate day in which a violation exists shall be considered a separate violation.

17.53.180 (5.3.18) Violations–Revocation

If the VDU owner or property manager is deemed to be negligent in responding to an emergency situation more than two times in a 12-month period, or if more than two documented, significant violations occur in any 12-month period, the VDU's Business License may be revoked. Documented, significant violations include, but are not limited to, copies of citations, written warnings, or other documentation filed by law enforcement.

17.53.190 (5.3.19) Ordinance Review

This ordinance shall be reviewed by the Planning Commission a year after its adoption, and periodically thereafter, to ensure that it is meeting the needs of the community.

ORDINANCE 2011-XX, SECTION 2:

Section 3.20.030 of the Trinidad Municipal Code, entitled "Imposed--Rate" is amended to read as follows:

"For the privilege of occupancy in any lodging, each tourist is subject to, and shall pay, a Tourist Occupancy Tax ("TOT"). The TOT constitutes a debt owed by the tourist to the City. The tourist shall pay the TOT to the lodging house operator based on the rent charged by the operator at the time the rent is paid. If the rent is paid in installments, a proportionate share of the TOT shall be paid with each installment. The unpaid TOT shall be due upon the tourist's ceasing to occupy space in the lodging house. If for any reason the TOT due is not paid to the lodging house operator, the Tax Administrator may require that such TOT shall be paid directly to the Tax Administrator.

The TOT is hereby set in the amount of 10 percent (10%) of the rent charged by the operator.

The amount of the TOT may be set by resolution of the City Council from time to time."

ORDINANCE 2012-01, SECTION 3:

Subsection B of Section 5.04.220 of the Trinidad Municipal Code, entitled "License--Appeal" is amended to read as follows:

"B. Any person aggrieved by any decision of city staff with respect to the issuance or reissuance or refusal to issue a license, or the amount of a license tax may appeal to the council by filing a notice of appeal with the city clerk within thirty (30) days of such decision. The council shall fix a time and place of hearing such appeal and the city clerk shall give notice in writing to the license applicant and the appellant, if different from the applicant, of the time and place of hearing by serving it personally or by mail, postage prepaid, addressed to such person at the address appearing on his last license or application and / county assessor records. The findings of the council shall be served upon the applicant in the manner prescribed above for service of notices of hearing.

ORDINANCE 2012-01, SECTION 4:

This Ordinance shall take effect upon certification by the Coastal Commission.

Passed, approved, and adopted this 11th day of April, 2012 by the following roll call vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Attest:

Approved:

Gabriel Adams
City Clerk

Kathy Bhardwaj
Mayor

First Reading: **Wednesday, April 11, 2012**

Second Reading: **Wednesday, May 9, 2012**

CCC VERSION WITH REVISIONS

Article ~~5.3~~ 6.26 Regulations for Vacation Dwelling Units

Sections:

- ~~5.3.01~~ 6.26.A Short Title
- ~~5.3.02~~ 6.26.B Definitions
- ~~5.3.03~~ 6.26.C Purpose
- ~~5.3.04~~ 6.26.D Application Requirements
- 6.26.E Off-Street Parking
- 6.26.F Septic System
- 6.26.G Water Use
- 6.26.H Signs
- 6.26.I Trash
- 6.26.J Emergency Preparedness
- 6.26.K Good Neighbor Brochure
- ~~5.3.05~~ 6.26.L Appearance and Visibility
- ~~5.3.06~~ 6.26.M Effect on Existing Vacation Dwelling Units
- ~~5.3.07~~ 6.26.N Location
- ~~5.3.08~~ 6.26.O Noise
- ~~5.3.09~~ 6.26.P Non-Permitted Uses
- ~~5.3.10~~ 6.26.Q Number of Occupants
- ~~5.3.11~~ 6.26.R Visitors
- ~~5.3.12~~ 6.26.S Tenancy
- ~~5.3.13~~ 6.26.T Traffic
- ~~5.3.14~~ 6.26.U Tourist Occupancy Tax
- ~~5.3.15~~ 6.26.V Audit
- ~~5.3.16~~ 6.26.W Dispute Resolution
- ~~5.3.17~~ 6.26.X Violations—Penalty
- ~~5.3.18~~ 6.26.Y Violations—Revocation
- ~~5.3.19~~ 6.26.Z Ordinance Review

~~5.3.01~~ 6.26.A Short Title.

This ~~chapter (article)~~ Section shall be known and may be cited as “City of Trinidad Vacation Dwelling Unit Ordinance.”

~~5.3.02~~ 6.26.B Definitions.

Good Neighbor Brochure.

Good Neighbor Brochure. "Good Neighbor Brochure" means a document prepared by the City and approved by the City Manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular, the brochure shall include provisions for off-street parking and minimizing noise, and establishing quiet hours, shall be included and minimizing disturbance of streams, riparian areas, sensitive bluff habitats, and other natural resources.

Event.

Comment [JRB1]: Suggested Modification 6: Recodify ordinance to “General Provisions” article of the Zoning Ordinance of the City of Trinidad (ZOCT) that addresses uses allowed in all or several zoning districts, rather than in the article for “Combining Zone Standards.”

Formatted: Font: Times New Roman, Not Bold

Formatted: Font: Times New Roman, Not Bold

Formatted: Font: Times New Roman, Not Bold

Formatted: Font: Times New Roman, Not Bold

Formatted: Font: Times New Roman, Not Bold

Formatted: Font: Times New Roman, Not Bold

Formatted: Font: Times New Roman, Not Bold

Deleted: E

Deleted: F

Deleted: G

Deleted: H

Deleted: I

Deleted: J

Deleted: K

Deleted: L

Deleted: M

Deleted: N

Deleted: O

Deleted: P

Deleted: Q

Deleted: R

Deleted: S

Comment [JRB2]: Suggested Modification 6: Revise codification nomenclature to match that in ZOCT.

Comment [JRB3]: Suggested Modifications 3 & 4: Include public educational information in brochure regarding measures to avoid on-street parking congestion and protect ESHA.

"Event" means any use of a structure or land for a limited period of time. "Event" includes but is not limited to art shows, religious revivals, tent camps, concerts, fundraisers, and weddings or receptions. "Event" does not include small parties and social gatherings of 20 people or less consistent with normal residential use.

Occupant.

"Occupant" within this Chapter is synonymous with the definition of "Tourist" in Trinidad Municipal Code section 3.20.020G. Section means any person who exercises occupancy of a Vacation Dwelling Unit (VDU) or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of 30 consecutive calendar days, or less, counting portions of calendar days as full days. Any such person so occupying space in a VDU shall be deemed to be a tourist until the period of 30 days has expired. As used in this Chapter Section, "occupant" does not include children aged 5 or under.

Comment [JRB4]: Suggested Modification 6: State definition of term rather than refer to uncertified Trinidad Municipal Code section. Revise codification nomenclature to match that in ZOCT.

Transient Use.

"Transient use" means any contractual use of a structure or portion thereof for residential, dwelling or sleeping purposes, for any period of time which is less than 30 consecutive days.

Vacation Dwelling Unit.

"Vacation Dwelling Unit" (VDU) means any structure, accessory structure, or portion of such structures, which is contracted for transient use. As used in this chapter Section, the definition of "Vacation Dwelling Unit" falls within the definition of "Lodging House" found in Trinidad Municipal Code section 3.20.020A but does not include "inn" or "motel" within Section 3.20.020A encompasses any structure or any portion of any structure which is occupied or intended or designed for occupancy by tourists for dwelling, lodging or sleeping purposes, and includes any home or house, tourist home or house, mobile home or house trailer at a fixed location except when located within a mobile home park or RV park, or other similar structure or portion thereof.

As used in this chapter, the definition of "Vacation Dwelling Unit" falls within the definition of "Lodging House" found in Trinidad Municipal Code section 3.20.020A but does not include "inn" or "motel" within Section 3.20.020A.

Comment [JRB5]: Suggested Modification 6: State definition of term rather than refer to uncertified Trinidad Municipal Code (TMC) section. Revise codification nomenclature to match that in ZOCT.

Visitor.

"Visitor" means someone staying temporarily at a VDU, but that is not an "occupant" and not staying at the VDU overnight.

5.3.03 6.26.C Purpose.

The purpose of this Chapter Section is to provide for the renting of single- and multi-family dwellings, and accessory dwelling units, for periods of thirty consecutive days or less, as transient visitor accommodations, consistent with all other provisions of the General Plan and Zoning Ordinance, and to ensure that Vacation Dwelling Units

Comment [JRB6]: Suggested Modification 6: Provide clear statement of the overarching intent of the ordinance. Revise codification nomenclature to match that in ZOCT.

are compatible with surrounding residential and other uses and will not act to harm or alter the neighborhoods within which they are located.

5.3.04 6.26.D Applications.

Deleted: Requirements

A. 1. Initial Business License Application.

Each VDU must procure a Business License. Existing VDUs must obtain a Business License within 3 months of the adoption of this ordinance. The business license shall identify the existence of a VDU at a particular address and declares the number of bedrooms in the VDU and its intended maximum occupancy.

Comment [JRB7]: Suggested Modification 2: To ensure that septic system overloading does not result from incrementally higher occupancy of VDUs compared with that of single-family residences.

A site plan and floor plan must be submitted along with the Business License application so the City can verify the number of bedrooms and off-street parking spaces. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that addresses the requirements of this Chapter shall also be provided.

Each application for a Business License shall be accompanied with proof of a general liability insurance in the amount of one million dollars combined single limit and an executed agreement to indemnify, defend and save the city harmless from any and all claims and liability of any kind whatsoever resulting from or arising out of the registration of a VDU.

The City will notify all property owners within 100 feet of the VDU property of the VDU's Business License within 7 days of its issuance. This notice may be combined with the required 24-hour emergency contact phone number notice required in subsection C below.

A Business License Fee of \$100.00 will be charged for the first year of each VDU's operation.

Upon initial application, The City shall provide all VDU licensees with copies of informational materials identifying protective measures for preventing and minimizing impacts to environmentally sensitive habitat areas, water resources, and septic systems from the vacation rental use of the residences. Such protective measures include, but not limited to: (1) avoiding human encroachment into environmentally sensitive habitat areas; (2) directing or screening exterior lighting from illuminating riparian corridor areas; and (3) best management practices for the proper handling and disposal of trash and chlorinated water from hot tubs, swimming pools, and other spa facilities.

Formatted: Font: Times New Roman

Comment [JRB8]: Suggested Modification 4: To provide constructive noticing of measures VDU owner/operators may undertake to reduce potential significant impacts to ESHA.

2. Business License Renewals.

Annual renewals for subsequent years shall be at the same cost as a renewal for any other Business License in the City. Applicants for business license renewals shall provide records of water use rates for the preceding year of operation of the VDU to the City

The City will notify all property owners within 100 feet of the VDU property of the VDU's Business License within 7 days of its re-issuance. This notice may be combined with the required 24-hour emergency contact phone number notice required in subsection C below.

Deleted: issuance or

Deleted: B

B. 3. Contact Information.

Deleted: 2

1. a. Local Contact Person.

Each VDU must designate a local contact person on the Business License form. That person may be either the owner or the property manager, and that person must live within 25 miles of Trinidad so that he/she can respond personally to an emergency.

2. b. 24-Hour Emergency Contact Phone Number.

A 24-hour emergency contact phone number is required for each VDU. The 24-hour emergency contact phone number shall be prominently placed for the occupants' use inside the VDU. Any change to the emergency contact number shall be promptly provided to the Trinidad City Clerk and posted within the VDU.

The emergency contact phone number will be forwarded by the City Clerk to the Trinidad Police Department, the County Sheriff's Office, the Trinidad Volunteer Fire Department, and to each neighbor within 100 feet of the VDU within 7 days after the issuance or reissuance of a business license for the VDU.

If there is an emergency or complaint, and the emergency contact person does not respond within a reasonable period of time, concerned persons will be encouraged to report the emergency through the 911 emergency calling system or the Police or Sheriff's Department. It is unlawful to make a false report or complaint regarding activities associated with a VDU.

C. 6.26.F. Off-Street Parking.

Deleted: 3

A VDU must provide at least one ~~on-site off-street~~ parking space ~~per bedroom for every two occupants allowed pursuant to Section 6.26.J~~ in the VDU. The ~~off-street~~ parking space/s shall be entirely on the VDU property. VDU ~~occupants may owner/operators~~ shall not use public right-of-way (street) spaces to meet their ~~required off-street~~ parking needs. ~~Parking Off-street parking~~ spaces will not be located on the septic system unless it is designed and rated for traffic in ~~accordance with the OWTS Regulations~~ a manner that will ~~not compromise the functioning of the septic system.~~

Comment [JRB9]: Suggested Modification 3: To set off-street parking requirement based upon both declared and *de facto* number of bedrooms to avoid on-street parking congestion impacts.

D. 6.26F. Septic System.

Deleted: 4

Each VDU's owner or property manager must provide proof that the septic system for the structure in which the VDU is located is functioning properly and in conformance with ~~the City's OWTS Management Program. Information~~

all federal, state, and local regulations. Information on the appropriate use of a septic system, in a form approved by the City, shall be posted in each bathroom in the VDU and the kitchen.

6.26.G. Water use

To prevent overloading of septic systems, each VDU shall be operated in a manner to ensure that the occupancy and use of a VDU shall not result in annual domestic water use greater than that associated with the non-VDU use of the residence use based on an average daily per capita consumption of 75 gallons per person (3,662 cubic feet per year per person) and two persons per bedroom.

Annual water use records will be kept in along with the VDU's business license to allow for verification that the VDU use did not exceed water use volumes of that typical for a single-family residence of a dwelling of the same size. (i.e., number of bedrooms).

If the City determines that the VDU use has exceeded average annual per capita water usage during the preceding year, the VDU owner/operator shall take constructive measures to bring the use into compliance. Adaptive measures include, but are not limited to: (a) installing water conservation fixtures and appliances; (b) planting xerophytic landscaping; and/or (c) reducing the maximum occupancy of the VDU.

Formatted: Indent: Left: 0.5"

Formatted: Highlight

Comment [JRB10]: Suggested Modification 2: To ensure that septic system overloading does not result from incrementally higher occupancy of VDUs compared with that of single-family residences.

Formatted: Font: 12 pt

Formatted: Font: 12 pt, Not Bold

Formatted: Font: 12 pt, Not Bold

Formatted: Font: 12 pt, Highlight

Formatted: Highlight

Formatted: Font: 12 pt, Highlight

Comment [JRB11]: Suggested Modification 2: To ensure that septic system overloading does not result from incrementally higher occupancy of VDUs compared with that of single-family residences.

Deleted: 5

6.26.H. Signs.

A single sign, legible from the property's street frontage, and no greater than 3 square feet in size shall be attached to the VDU structure or placed immediately adjacent to the front of the VDU structure. The purpose of the sign is to notify the public that the structure is or contains a VDU. The sign must provide a 24-hour emergency telephone contact number for complaints, and a business telephone number for persons seeking information on the VDU. The signage shall comply with all applicable standards of the Zoning Ordinance's sign regulations.

Comment [JRB12]: Suggested Modification 5: For conformance with LUP Design Preferences directive to prohibit "garish signs" while ensuring effective constructive noticing of the presence of a VDU and related emergency contact information. To ensure implementation adequacy by eliminating potential internal inconsistency between VDU and Sign ordinances.

Deleted: 6

Deleted: 7

6.26.I. Trash.

Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and / or debris on the site or within the unit.

6.26.J. Emergency Preparedness.

Information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the City, shall be posted within the vacation rental in an easily seen location, such as the entry or kitchen area. In particular, information regarding regular testing of the tsunami siren and real emergencies shall be included.

6.26.K. Good Neighbor Brochure.

Deleted: 8

Prior to occupancy pursuant to each separate occasion of rental of a VDU, the owner or the owner's agent shall provide a copy of the Good Neighbor Brochure to the occupants and / or shall post the Good Neighbor Brochure in a clearly visible location within the VDU.

5.3.05 6.26.L Appearance and Visibility.

Deleted: E

The outside appearance of the VDU structure shall not change the residential character of the structure by the use of colors, materials, lighting, or signage (except as required by this ~~Chapter~~ **Section**). The VDU shall not create any noise, glare, flashing lights, vibrations, or odors which are not commonly experienced in residential areas.

5.3.06 6.26.M Effect on Existing Vacation Dwelling Units.

Deleted: F

Each individual holding a valid Trinidad Business License for a VDU existing at the time the VDU Ordinance is adopted shall be subject to the requirements of this ~~Chapter~~ **Section** of the ~~Municipal Code Zoning Ordinance~~ upon its adoption. The owner of an existing VDU which does not meet the requirements of this ~~Chapter~~ **Section** will not be issued a Business License and ~~may shall~~ not use the VDU structure for VDU purposes.

Comment [JRB13]: Suggested Modification 6: Revise codification nomenclature to match that in ZOCT, and to make the prohibition on non-compliant use mandatory

Deleted: G

5.3.07 6.26.N Location.

VDU's are permitted ~~only in any zone district in the City that allows for single or multiple family dwelling units~~ Special Environment, Suburban Residential, Urban Residential, and Planned Development zoning districts. A VDU may be allowed in a legally established Accessory Dwelling Unit. Each separate VDU must obtain its own, individual Business License.

Comment [JRB14]: Suggested Modification 1: To clarify specific zoning district locations where VDUs may be permitted.

Deleted: H

5.3.08 6.26.O Noise.

Occupants of VDU properties and visitors shall not generate noise in excess of what might be expected in a residential neighborhood. Any noise occurring after 10:00 pm and before 8:00 am should be contained within the VDU and shall not be able to be heard by or offend any adjacent neighbors.

5.3.09 6.26.P Non-Permitted Uses.

Deleted: I

There shall be no permitted use of the VDU structure other than occupancy for dwelling, lodging, or sleeping purposes, ~~as defined in Section 3.20.020A of the Trinidad Municipal Code~~. Use for events which are not hosted by the VDU's property owner are not permitted.

Comment [JRB15]: Suggested Modification 6: State definition of term rather than refer to uncertified Trinidad Municipal Code (TMC) section

Deleted: J

5.3.10 6.26.Q Number of Occupants.

The maximum number of occupants allowed in a VDU shall not exceed two persons per bedroom plus an additional two persons (e.g., a two-bedroom VDU may have six occupants). Except that in the Suburban Residential Zone, if the VDU has a total floor area that exceeds 800 square feet per bedroom, then for each additional 500 square feet of floor area above this total, one additional occupant may be allowed, up to a maximum of two additional occupants.

5.3.11 6.26.R Visitors.

Deleted: K

The number of visitors to a VDU shall be limited to not more than 20 persons per parcel at any time. If there is more than one VDU on a property, the 20 person maximum applies to the property, not each VDU. Visitors are not allowed on the premises between 1:00 a.m. and 4:00 a.m.

5.3.12 6.26.S. Tenancy.

Deleted: L

The rental of a VDU shall not be for less than two successive nights.

5.3.13 6.26.T. Traffic.

Deleted: M

Vehicles used and traffic generated by the VDU shall not exceed the type of vehicles or traffic volume normally generated by a residence occupied by a full-time resident in a residential neighborhood.

5.3.14 6.26.U. Tourist Occupancy Tax.

Deleted: N

The rental or other contractual use of a VDU is subject to a Tourist Occupancy Tax ("TOT") and any other mandated taxes. Each VDU owner and/or manager shall meet all of the requirements of ~~Trinidad Municipal Code Chapter 3.20, "Tourist Occupancy Tax," which addresses the City with respect to~~ registration of TOT collectors, and the collection, recordkeeping, reporting and remittances of applicable TOT.

Comment [JRB16]: Suggested Modification 6: To remove reference to uncertified Trinidad Municipal Code (TMC) section.

5.3.15 6.26.V. Audit

Deleted: O

Each owner and agent or representative of any owner shall provide access to each VDU and any records related to the use and occupancy of the VDU to the City ~~Manager~~ at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this ~~chapter~~ **Section** are being fulfilled.

5.3.16 6.26.W. Dispute Resolution.

Deleted: P

By accepting a VDU Business License, VDU owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a VDU.

5.3.17 6.26.X. Violations–Penalty.

Deleted: Q

Violations of this ~~Chapter~~ **Section** are punishable as either infractions or misdemeanors, pursuant to the provisions of Section ~~4.08 7.20~~ of the ~~Trinidad Municipal Code Zoning Ordinance~~. Each separate day in which a violation exists shall be considered a separate violation.

Comment [JRB17]: Suggested Modification 6: To remove reference to uncertified Trinidad Municipal Code (TMC) section and in place substitute certified ZOCT citation.

5.3.18 6.26.Y. Violations–Revocation

Deleted: R

If the VDU owner or property manager is deemed to be negligent in responding to an emergency situation more than two times in a 12-month period, or if more than two documented, significant violations occur in any 12-month period, the VDU's Business License may be revoked. Documented, significant violations include, but are not limited to, copies of citations, written warnings, or other documentation filed by law enforcement.

~~5.3.19~~ **6.26.Z, Ordinance Review**

Deleted: S

This ordinance shall be reviewed by the Planning Commission a year after its adoption, and periodically thereafter, to ensure that it is meeting the needs of the community.

- Recodify Article 5.3, Sections 5.3.01 through 5.3.19, inclusive, as Article 6, Section 6.26, Subsections A through S, respectively.
- Append a new sub-section A.7 to Article 6, Section 6.16, *Signs*, to read, in context, as follows:

A. In all zones the following signs shall be permitted, provided that signs permitted in 2 and 3 below shall be subject to review by the design assistance committee:

1. A residential nameplate bearing the name of the occupant and not exceeding 2 square feet, provided that 3 square feet shall be permitted for a residence with a home occupation...

7. Vacation Dwelling Unit identification signs, as required by Section 6.26.D.5, provided that such signage is not placed in a public right-of-way, and does not rotate, blink, flash, sparkle, or obstruct the visibility of any traffic control sign.

- Append a new sub-section B.8 to Article 6, Section 6.18, *Parking and Loading Facilities*, to read, in context, as follows:

Off-street parking and loading space shall be provided in all zones in conformity with the following:

- A. Each required parking space shall be not less than 8'6" wide, 18 feet long and 7 feet high, provided that where 6 or more spaces are required up to 50 percent of the spaces may be 16 feet long. Each loading space shall be not less than 10 feet wide, 25 feet long and 14 feet high.
- B. Parking spaces shall be provided as follows:
 1. Campground, RV park, motel: 2 spaces plus 1 space per unit.
 2. Single-family dwelling and mobile home on a lot: 2 spaces in addition to any garage spaces.
 3. Attached dwellings (duplex, townhouse): 1.5 spaces per unit...

8. Vacation dwelling unit: A minimum of one off-street parking space per every two occupants allowed in the VDU.

Comment [JRB18]: Suggested Modification 6: To ensure implementation adequacy by eliminating potential internal consistency between VDU and Sign ordinance provisions.

Comment [JRB19]: Suggested Modification 6: To ensure implementation adequacy by eliminating potential internal consistency between VDU and Off-street Parking ordinance provisions.

CCC FINAL VDU DRAFT PROPOSED ORDINANCE

Article 6.26 Regulations for Vacation Dwelling Units

Sections:

- 6.26.A Short Title
- 6.26.B Definitions
- 6.26.C Purpose
- 6.26.D Application Requirements
- 6.26.E Effect on Existing Vacation Dwelling Units
- 6.26.F Location
- 6.26.G Non-Permitted-Uses
- 6.26.H VDU Standards
- 6.26.I Tourist Occupancy Tax
- 6.26.J Audit
- 6.26.K Dispute Resolution
- 6.26.L Violations—Penalty
- 6.26.M Violations—Revocation
- 6.26.N Ordinance Review

6.26.A Short Title.

This Section shall be known and may be cited as “City of Trinidad Vacation Dwelling Unit Ordinance.”

6.26.B Definitions.

Good Neighbor Brochure.

Good Neighbor Brochure. "Good Neighbor Brochure" means a document prepared by the City and approved by the City Manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular, the brochure shall include provisions for off-street parking, minimizing noise, establishing quiet hours, and minimizing disturbance to neighbors and environmentally sensitive habitat areas.

Event.

"Event" means any use of a structure or land for a limited period of time. "Event" includes, but is not limited to, art shows, religious revivals, tent camps, concerts, fundraisers, and weddings or receptions. "Event" does not include small parties and social gatherings of 20 people or less consistent with normal residential use.

Occupant.

"Occupant" within this Section means any person who exercises occupancy of a Vacation Dwelling Unit (VDU) or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of 30 consecutive calendar days, or less, counting portions of calendar days as full days. Any such person so occupying space in a VDU shall be deemed to be a tourist until the period of 30 days has expired. As used in this Section, "occupant" does not include children aged 5 or under.

Transient Use.

"Transient use" means any contractual use of a structure or portion thereof for residential, dwelling or sleeping purposes, for any period of time which is less than 30 consecutive days.

Vacation Dwelling Unit.

"Vacation Dwelling Unit" (VDU) means any structure, accessory structure, or portion of such structures, which is contracted for transient use. As used in this Section, the definition of "Vacation Dwelling Unit" encompasses any structure or any portion of any structure which is occupied or intended or designed for occupancy by tourists for dwelling, lodging or sleeping purposes, and includes any home or house, tourist home or house, mobile home or house trailer at a fixed location except when located within a mobile home park or RV park, or other similar structure or portion thereof.

Visitor.

"Visitor" means someone staying temporarily at a VDU, but that is not an "occupant" and not staying at the VDU overnight.

6.26.C Purpose.

The purpose of this Section is to provide for the renting of single- and multi-family dwellings, and accessory dwelling units, for periods of thirty consecutive days or less, as transient visitor accommodations, consistent with all other provisions of the General Plan and Zoning Ordinance, and to ensure that Vacation Dwelling Units are compatible with surrounding residential and other uses and will not act to harm or alter the neighborhoods within which they are located.

6.26.D Application Requirements.

1. Initial Application.

Each VDU must procure a VDU License. Existing VDUs must obtain a VDU License within 3 months of the adoption of this ordinance. A VDU License issued pursuant to this article shall also serve as a business license for rental activity pursuant to Chapter 5.04 of the Trinidad Municipal Code. The VDU License shall identify the existence of a VDU at a particular address and declare the number of bedrooms in the VDU and its intended maximum occupancy.

A site plan and floor plan must be submitted along with the VDU License application so the City can verify the number of bedrooms, off-street parking spaces, and other requirements. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that addresses the requirements of this Chapter shall also be provided.

Each application for a VDU License shall be accompanied with proof of a general liability insurance in the amount of one million dollars combined single limit and an executed agreement to indemnify, defend and save the city harmless from any and all claims and liability of any kind whatsoever resulting from or arising out of the registration of a VDU.

An initial VDU License Fee, as set by resolution of the City Council, will be charged for the first year of each VDU's operation.

The City will notify all property owners within 100 feet of a VDU property of the VDU License within 7 days of its issuance or re-issuance. This notice may be combined with the required 24-hour emergency contact phone number notice required in subsection 3.b below.

Upon initial application for a VDU License, the City shall provide all VDU licensees with copies of informational materials identifying protective measures for preventing and minimizing impacts to environmentally sensitive habitat areas, water resources, and septic systems from the vacation rental use of the residences. Such protective measures include, but not limited to: (1) avoiding human encroachment into environmentally sensitive habitat areas; (2) directing or screening exterior lighting from illuminating riparian corridor areas; and (3) best management practices for the proper handling and disposal of trash and chlorinated water from hot tubs, swimming pools, and other spa facilities.

2. VDU License Renewals.

Annual renewals for subsequent years shall be at the same cost as a renewal for a Business License in the City. Any changes to the site plan, floor plan, allowable occupancy, or rental agreement shall be submitted along with the license renewal.

3. Contact Information.

a. Local Contact Person.

Each VDU must designate a local contact person on the VDU License form.

That person may be either the owner or the property manager, and that person must live within 25 miles of Trinidad so that he/she can respond personally to an emergency.

b. 24-Hour Emergency Contact Phone Number.

A 24-hour emergency contact phone number is required for each VDU. The 24-hour emergency contact phone number shall be prominently placed for the occupants' use inside the VDU. Any change to the emergency contact number shall be promptly provided to the Trinidad City Clerk and posted within the VDU.

The emergency contact phone number will be forwarded by the City Clerk to the Trinidad Police Department, the County Sheriff's Office, the Trinidad Volunteer

Fire Department, and to each neighbor within 100 feet of the VDU within 7 days after the issuance or reissuance of a VDU License for the VDU.

If there is an emergency or complaint, and the emergency contact person does not respond within a reasonable period of time, concerned persons will be encouraged to report the emergency through the 911 emergency calling system or the Police or Sheriff's Department. It is unlawful to make a false report or complaint regarding activities associated with a VDU.

6.26.E Effect on Existing Vacation Dwelling Units.

Each individual operating a VDU existing at the time the VDU Ordinance is adopted, including those currently holding a valid Trinidad Business License, shall be subject to the requirements of this Section of the Zoning Ordinance upon its adoption. The owner of an existing VDU which does not meet the requirements of this Section will not be issued a VDU License and shall not use the VDU structure for VDU purposes.

6.26.F Location.

VDUs are permitted only in Special Environment, Suburban Residential, Urban Residential, and Planned Development zoning districts. A VDU may be allowed in a legally established Accessory Dwelling Unit. Each separate VDU must obtain its own, individual VDU License.

6.26.G Non-Permitted Uses.

There shall be no permitted use of the VDU structure other than occupancy for dwelling, lodging, or sleeping purposes. Use for events which are not hosted by the VDU's property owner are not permitted.

6.26.H VDU Standards

All VDUs will be required to meet the following standards:

1. Number of Occupants.

The maximum number of occupants allowed in a VDU shall not exceed two persons per bedroom plus an additional two persons (e.g., a two-bedroom VDU may have six occupants). Except that in the Suburban Residential Zone, if the VDU has a total floor area that exceeds 800 square feet per bedroom, then for each additional 500 square feet of floor area above this total, one additional occupant may be allowed, up to a maximum of two additional occupants.

2. Off-Street Parking.

A VDU must provide at least one off-street parking space for every two occupants allowed pursuant to Section 6.26.H.1 in the VDU. The off-street parking space/s shall be entirely on the VDU property. VDU owner/operators shall not use public right-of-way (street) spaces to meet their required off-street parking needs. Off-street parking spaces will not be located on the septic system unless it is designed and rated for traffic in a manner that will not compromise the functioning of the septic system.

3. Water Use.

To prevent overloading of septic systems, each VDU shall be operated in a manner to ensure that the occupancy and use of a VDU shall not result in annual domestic water use greater than that associated with the non-VDU use of the residence based on an average daily per capita consumption of 75 gallons per person (3,662 cubic-feet-per-year-per-person)-and two persons per bedroom. Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design of the septic system.

Annual water use records will be kept on file along with the VDU License and application materials to allow for verification that the VDU use did not exceed allowable volumes as described above.

If the City determines that the VDU use has exceeded the appropriate average annual water usage, as described above, during the preceding year, the VDU owner/operator shall take constructive measures to bring the use into compliance. Adaptive measures include, but are not limited to: (a) installing water conservation fixtures and appliances; (b) planting xerophytic landscaping; and/or (c) reducing the maximum occupancy of the VDU.

4. Septic System.

Each VDU's owner or property manager must provide proof that the septic system for the structure in which the VDU is located is functioning properly and in conformance with all federal, state, and local regulations. Information on the appropriate use of a septic system, in a form approved by the City, shall be posted in each bathroom in the VDU and the kitchen.

5. Appearance and Visibility.

The outside appearance of the VDU structure shall not change the residential character of the structure by the use of colors, materials, lighting, or signage (except as required by this Section). The VDU shall not create any noise, glare, flashing lights, vibrations, or odors which are not commonly experienced in residential areas.

6. Signs.

A single sign, legible from the property's street frontage, and no greater than 3 square feet in size shall be attached to the VDU structure or placed immediately adjacent to the front of the VDU structure. The purpose of the sign is to notify the public that the structure is or contains a VDU. The sign must provide a 24-hour emergency telephone contact number for complaints, and a business telephone number for persons seeking information on the VDU. The signage shall comply with all applicable standards of the Zoning Ordinance's sign regulations.

7. Trash.

Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and / or debris on the site or within the VDU.

8. Visitors.

The number of visitors to a VDU shall be limited to not more than 20 persons, including occupants, per parcel at any time. If there is more than one VDU on a property, the 20 person maximum applies to the property, not each VDU. Visitors are not allowed on the premises between 1:00 a.m. and 4:00 a.m.

9. Noise.

Occupants of VDU properties and visitors shall not generate noise in excess of what might be expected in a residential neighborhood. Any noise occurring after 10:00 pm and before 8:00 am should be contained within the VDU and shall not be able to be heard by or offend any adjacent neighbors.

10. Traffic.

Vehicles used and traffic generated by the VDU shall not exceed the type of vehicles or traffic volume normally generated by a residence occupied by full-time residents in a residential neighborhood.

11. Tenancy.

The rental of a VDU shall not be for less than two successive nights.

12. Good Neighbor Brochure.

Prior to occupancy pursuant to each separate occasion of rental of a VDU, the owner or the owner's agent shall provide a copy of the Good Neighbor Brochure to the occupants and / or shall post the Good Neighbor Brochure in a clearly visible location within the VDU.

13. Emergency Preparedness.

Information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the City, shall be posted within the vacation rental in an easily seen location, such as the entry or kitchen area. In particular, information regarding regular testing of the tsunami siren and real emergencies shall be included.

6.26.I Tourist Occupancy Tax.

The rental or other contractual use of a VDU is subject to a Tourist Occupancy Tax ("TOT") and any other mandated taxes. Each VDU owner and/or manager shall meet all of the requirements of the City with respect to registration of TOT collectors, and the collection, recordkeeping, reporting and remittances of applicable TOT.

6.26.J Audit

Each owner and agent or representative of any owner shall provide access to each VDU and any records related to the use and occupancy of the VDU to the City at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this Section are being fulfilled.

6.26.K Dispute Resolution.

By accepting a VDU License, VDU owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a VDU.

6.26.L Violations–Penalty.

Violations of this Section are punishable as either infractions or misdemeanors, pursuant to the provisions of Section 7.20 of the Zoning Ordinance. Each separate day in which a violation exists shall be considered a separate violation.

6.26.M Violations–Revocation

If the VDU owner or property manager is deemed to be negligent in responding to an emergency situation more than two times in a 12-month period, or if more than two documented, significant violations occur in any 12-month period, the VDULicense may be revoked. Documented, significant violations include, but are not limited to, copies of citations, written warnings, or other documentation filed by law enforcement.

6.26.N Ordinance Review

This ordinance shall be reviewed by the Planning Commission a year after its adoption, and periodically thereafter, to ensure that it is meeting the needs of the community.

-
- Recodify Article 5.3, Sections 5.3.01 through 5.3.19, inclusive, as Article 6, Section 6.26, Subsections A through S, respectively.
 - Append a new sub-section A.7 to Article 6, Section 6.16, Signs, to read, in context, as follows:
 - A. In all zones the following signs shall be permitted, provided that signs permitted in 2 and 3 below shall be subject to review by the design assistance committee:
 - 1. A residential nameplate bearing the name of the occupant and not exceeding 2 square feet, provided that 3 square feet shall be permitted for a residence with a home occupation...
 - 7. Vacation Dwelling Unit identification signs, as required by Section 6.26.D.5, provided that such signage is not placed in a public right-of-way, and does not rotate, blink, flash, sparkle, or obstruct the visibility of any traffic control sign.

- Append a new sub-section B.8 to Article 6, Section 6.18, Parking and Loading Facilities, to read, in context, as follows:

Off-street parking and loading space shall be provided in all zones in conformity with the following:

- A. Each required parking space shall be not less than 8'6" wide, 18 feet long and 7 feet high, provided that where 6 or more spaces are required up to 50 percent of the spaces may be 16 feet long. Each loading space shall be not less than 10 feet wide, 25 feet long and 14 feet high.
- B. Parking spaces shall be provided as follows:
 - 1. Campground, RV park, motel: 2 spaces plus 1 space per unit.
 - 2. Single-family dwelling and mobile home on a lot: 2 spaces in addition to any garage spaces.
 - 3. Attached dwellings (duplex, townhouse): 1.5 spaces per unit...
 - 8. Vacation dwelling unit: A minimum of one off-street parking space per every two occupants allowed in the VDU.